HONOURABLE MS. JUSTICE G.ROHINI

WRIT PETITION No.9952 OF 2007

Dated 05-06-2007

Between:

1. Smt. P.R.Sabitha wife of late Sri P.G.Raja Rao, Hindu, Aged 63 years, resident of H.No.4-4-74 & 74/1, Gunj Bazar, Behind Mahankali Police Station, Secudnerabad and another.

…Petitioners.

And:

Secunderabad Cantonment Board, represented by its Chief Executive Officer, Secunderabad Court Compound, Secunderabad.

…Respondent.

ORDER:

This Writ Petition is filed seeking a declaration that the order dated 11-04-2007 passed by the respondent-Secunderabad Cantonment Board rejecting the building application submitted by the petitioner as arbitrary and illegal.

Whereas the learned Counsel for the petitioner vehemently contended that the impugned order of rejection is illegal and not in accordance with the provisions of the Cantonments Act, 2006 (for short, 'the Act') and therefore the same is liable to be set aside, the learned Counsel for the respondent at the outset raised an objection as to the maintainability of the writ petition on the ground that the petitioner failed to exhaust the alternative remedy available under the Act.

It is to be noted that against the order impugned an appeal is provided under Section 340 of the Act read with Schedule-V. Without exhausting such efficacious alternative remedy, the petitioner cannot maintain this writ petition under Article 226 of the Constitution of India. Hence, I am not inclined to entertain the present writ petition.

Accordingly, the Writ Petition is dismissed granting leave and liberty to the petitioner to work out the alternative remedy available under the Act. No costs.

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Justice G.ROHINI

Dated 05-06-2007
Dvs

HONOURABLE MS. JUSTICE G.ROHINI.

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